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The motion was not pressed.

THE DEPUTY PRESIDENT :—“ We shall then pass on to the next item on the agenda and continue the discussion on the resolution of Dr. Sir A. Lakshmanaswami Mudaliyar.”

VI.—RESOLUTION *RE* CONSIDERATION OF THE DRAFT INDIAN CONSTITUTION BILL BY THE PROVINCIAL LEGISLATURE—*cont.*

SRI S. B. ADITYAN :—“ Sir, I wish to raise a point of order on the resolution which stands in the name of Dr. Sir A. Lakshmanaswami Mudaliyar. It is beyond the power of this House to consider a resolution of this nature. I refer in particular to the second part of the resolution which says that necessary steps be taken to have the draft bill transmitted as soon as possible for the consideration of the provincial legislature. Sir, although when this resolution was introduced into the Council it was probably unobjectionable events have happened which have entirely changed the nature of the resolution. I refer to the ruling which was communicated to the Speaker of the Legislative Assembly by the Constituent Assembly that the draft Constitution Bill will not be transmitted as soon as possible or at any time for the consideration of the Assembly. We have now got to see whether this resolution is in order or not in view of the ruling which has been transmitted to the Hon. Speaker of the other House. Our Rule 115 says that any Member may move a resolution relating to a matter of general public interest within the cognizance of the Provincial Government. If the latter part of the resolution is one within the cognizance of the Provincial Government, then it will be in order. I submit that by virtue of the ruling I have referred to, it is no longer within the cognizance of the Provincial Government. It is well known that the Constituent Assembly has been declared to be an all-powerful and sovereign body. It is so because of the will of the people. That body has sent a ruling that the draft Constitution Bill will not be transmitted here for discussion.”

DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—“ I am sorry to interrupt the hon. Member. I should like to elicit the point whether it is not a fact that the Secretary of the Constituent Assembly wrote to the Speaker giving him the information that according to the revised rules it was not proposed to send the draft bill for the consideration of the provincial legislatures. May I know whether there has been any ruling from anybody? Of course, even if there has been a ruling I should like to question it.”

SRI S. B. ADITYAN :—“ The hon. Member is correct when he says that the communication has been received from the Secretary of the Constituent Assembly that it is not the intention to transmit the draft Constitution Bill to the Provincial Assemblies.” (Interruption from hon. Members.)

THE DEPUTY PRESIDENT :—“ The hon. Member does not yield.”

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SRI S. B. ADITYAN :—“ It is correct to say that the communication was received from the Secretary of the Constituent Assembly. I ask, Sir, who else will send the communication if not the Secretary? When the Secretary of the Constituent Assembly sends a communication, it means that it is sent by the Constituent Assembly itself. When communications are sent by the Provincial Government they are not signed by the Ministers but by the Secretaries. On that account it cannot be said that the communication sent by the Secretary of a department is not a communication sent by the Government. In this case, the communication is signed by the Secretary and sent by the Secretary of the Constituent Assembly, and nevertheless it is a communication from the Constituent Assembly. Therefore it is no longer open to the Provincial Government to have the matter discussed or do anything against what has been communicated by the Secretary of the Constituent Assembly. If we continue to discuss, and pass the resolution in the face of the communication received from the Constituent Assembly, I submit it is a direct challenge to the powers of the Constituent Assembly which we cannot for a moment contemplate. This resolution wants the Government to do a thing which is not within their cognizance under Rule 115 of the Rules for the Madras Legislative Council. It is not as if we can discuss anything and everything on the earth, as we are bound by rules. I, therefore, submit that it is entirely out of order for us to consider the latter part of the resolution moved by my hon. Friend.”

SRI B. NARAYANASWAMI NAYUDU :—“ I rise to speak on the point of order raised by my hon. Friend. The resolution is merely a recommendation to the Government. Under Rule 115, are we precluded from knocking at the door of the Constituent Assembly and requesting them to hear our views? The resolution merely recommends to the Government to convey to the Constituent Assembly the opinion of this Council. We are not dictating or ordering or legislating on matters outside our jurisdiction. We simply want to express our views in the matter, so that they may take them into consideration.”

SRI S. B. ADITYAN :—“ I refer only to the second part of the resolution.”

SRI B. NARAYANASWAMI NAYUDU :—“ The real, operative part is only the first portion which simply recommends to the Government to convey to the Constituent Assembly the opinion of this Council.”

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—“ My hon. Friend Mr. Adityan said that a communication from the Secretary to the Constituent Assembly had been received to the effect that there was no intention of sending the draft Bill to the provincial

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legislatures. The position is this. In the original Rules of Procedure and Standing Orders framed before the June 3 Statement of His Majesty's Government, there was a rule which read :—

'Rule 63 (1).—The Assembly shall, before finally settling the Union Constitution, give an opportunity to the several provinces and states through their legislatures to formulate, within such time as it may fix, their views upon the resolutions of the Assembly outlining the main features of the Constitution or if the Assembly so decides, upon the preliminary draft of the Constitution.

'Rule 63 (2).—Before the Constitution of any province is finally settled or the decision to set up a Group Constitution under the section is finally taken, an opportunity shall be given to the provinces concerned through their legislatures to formulate within such time as may be fixed for the purpose their views upon the resolutions of the Assembly outlining the main features of the Constitution or the majority of the representatives of the provinces upon the preliminary draft of the Constitution

" Now that rule has been deleted. The reason given by the member who moved for the deletion of the rule was that, since the clause in the 16th May Statement regarding sections and groups had been deleted, there was no necessity for reference to the provincial legislatures. Let us not go into the details of it. My hon. Friend said that this Council was completely precluded from placing its views before the Constituent Assembly on account of the deletion of the rule. I say there is no such prohibition. Only the rule which made it obligatory on the Constituent Assembly to send the draft Bill to the provincial legislatures has been deleted. It does not follow that the provincial legislatures are prohibited from offering their views on the draft Bill. If the legislatures take the initiative and offer their views, the Constituent Assembly cannot prevent it."

* SRI R. SURYANARAYANA RAO :—" I want to raise a point of order on the point of order. The Hon. President has admitted the resolution and allowed it to be moved and discussed. It is too late in the day for my hon. Friend to raise the point of order. Secondly, as my hon. Friend Mr. Narayanaswami Nayudu says, nothing prevents us from making a request. All that this resolution does is merely to recommend to the Government to convey to the Constituent Assembly the opinion of this Council that the provincial legislatures should be given an opportunity to offer their views on the draft Indian Constitution Bill, so that the Constituent Assembly may have the advantage of the views of this House also. We may pass the resolution, but still the Government may not recommend. Whatever communication might have been received by the Hon. Speaker, we need not take cognizance of it as it has not been addressed to the Hon. President. As the point of order has been raised too late and as no extenuating circumstances have been brought forward except a communication to the Hon. Speaker, I think you should rule it out of order "

DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—" Sir, the House has not been given to know the exact facts. As I understand from newspaper reports, the Hon. Speaker, on his own initiative, wrote a letter some time in June asking whether the President of the Constituent Assembly would forward the draft

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Bill for the consideration of the Assembly. The Secretary very correctly on the basis of the information that he had had consequent upon the deletion of the particular rule wrote to say that it was not proposed to send the Constitution Bill. I am surprised that a member of this House should draw the inference that the Constituent Assembly is a sovereign body that we are all creatures of that Constituent Assembly, and that, because that rule has been abrogated, we should take it down bowing our head and thanking Gods for the grace that has been conferred on this House. This House is as much a sovereign body as any other for the particular purpose for which it has been constituted. It is certainly an infringement of the privileges of the members, more particularly the elected representatives, that they should be denied the opportunity to move a resolution which has been so innocuously worded as almost to appear like the old type of resolutions begging for favours from British imperialism. Are we to have the succession of Union imperialism to British imperialism? Taking everything into consideration, I submit that you, as the champion of the privileges of this House, should rule that the resolution is quite in order."

SRI S. B. ADITYAN :—" Can I reply ? "

THE DEPUTY PRESIDENT :—" No."

THE HON. DR. P. SUBBARAYAN :—" I do not want to say anything more than this. Originally the rules of the Constituent Assembly provided for the draft Constitution Bill being sent down to the local Assemblies. But because of the urgency of the situation and as the provinces were represented in the Constituent Assembly, they felt—and the Constituent Assembly is a sovereign body as everybody understands it—that this was not necessary, and deleted the provision. I understand that the reply to the Speaker was to this effect that the draft Bill would not be presented to the local legislatures. With this, I leave it to you, as it is for you to decide on the point of order."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" Mr. President, Sir, the Secretary of the Constituent Assembly wrote to the Speaker that it was not the intention of that Assembly to send the draft Bill to the provincial legislatures for discussion. That clearly means that the Secretary has pointed out that it is not the intention of the Constituent Assembly, but he has not said that provincial legislatures which express their views on the draft Bill would be penalised. As some hon. Members have pointed out, it is our right as the elected representatives of the people of this Province to give expression to our views. The resolution is only a recommendation, a recommendation not to the Constituent Assembly but to our own Provincial Government, and it is within the discretion of the Provincial Government, either to convey or not to convey the opinion of this Council to the Constituent Assembly. The Hon. Home Minister intervened but he was very careful in not pointing out whether his Government would forward the opinion."

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of this House or not. Even if there had been a ruling by the President of the Constituent Assembly, I venture to say that that ruling is not binding on this House. Therefore, I submit that the point of order is out of order."

THE DEPUTY PRESIDENT:—"I rule that this resolution is in order because the Hon. President has admitted it and discussion has proceeded so far. We all know why the particular rule has been deleted. 'Because of the urgency of the situation' as the Hon. Home Minister puts it. So there is nothing wrong in our discussing or passing this resolution. It is only 'recommendatory' as the hon. Mover has said. So I rule that it is in order.

"We rise to-day at 5 o'clock. I request members to be brief so that we can finish the discussion."

SRI S. B. ADITYAN:—"Mr. President, Sir, as you have ruled that it is open to this House to discuss the resolution, we shall examine whether it is wise on our part to discuss or pass a resolution of this nature. The first thing which strikes one is that it is going to be a dead letter. No purpose will be served by passing the resolution, as the Secretary to the Constituent Assembly has already said that the draft Bill is not going to be referred to the provincial legislatures. I submit that the draft Constitution has been prepared by our own representatives. It is no use saying that this House did not directly elect any representatives, because it is well-known that the members of this House did take part in setting up candidates. Not only the Congress members but the members of the Opposition in the Lower House were given representation on the Constituent Assembly. The Constituent Assembly, as representing us, should be in a position to expedite, so that we may begin to work the Constitution at an early date.

"May I also submit that the passing of this resolution will create a very bad impression in the outside world that we are trying for something which the Constituent Assembly are not prepared to allow. People in the outside world are watching us to see how democracy works in a new independent country. The passing of this resolution would give room for misrepresentation that the Constitution had not been thoroughly discussed by the Constituent Assembly and that that Assembly wanted to stifle discussion.

"The hon. Dr. Sir A. Lakshmanaswami Mudaliyar said that we are a sovereign body. But Sir, our powers have been limited, not only by the Government of India Act as it has been adapted, but also by the rules of the Council. An hon. Friend mentioned that this resolution is only in a recommendatory form and hence there is no objection to the Council passing the same. I submit, Sir, there is no virtue about it, because it cannot be in any other form. All the resolutions passed in this Legislature must be in the form of a recommendation to the Provincial Government. But what we have got to see is the subject-matter of the recommendation.

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According to the rules of the Council, we must recommend only those things which are within the cognizance of the Provincial Government. We must recommend to the Provincial Government only those things which it is competent to do. It is not as though we can discuss anything in the world—something in Europe—because our resolution is in a recommendatory form, and take refuge in the fact that it is only recommendatory. There are two rules on the subject, rules 115 and 116 of the Madras Legislative Council Rules which say . . .

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—“ Mr. Deputy President, now that you have ruled that this resolution is in order, is the hon. Member in order in questioning your ruling? ”

THE DEPUTY PRESIDENT.—“ He is simply speaking against the resolution urging why it must be thrown out.”

SRI S. B. ADITYAN :—“ I submit, Sir, that although this resolution is open to discussion, we must pass a resolution which will be wise and which will be accepted by the world and not become a dead-letter. I submit that the latter part of the resolution, namely, that the Constitution Bill should be transmitted to this Legislature, is something which the Government cannot do. Besides, we are only an Upper House. At least the Lower House is a kind of electorate, because it has elected members to the Constituent Assembly. Even the Lower House cannot ask the Constituent Assembly to transmit the Bill as no Bill is taken back for discussion to the electorate. A Bill which is passed by this Council here is not taken back to the electorates in Madura or Trichinopoly for their consideration. Therefore, Sir, I request the House to throw out this resolution on merits.”

K. UPPI SAHIB BAHADUR :—“ Mr. Deputy President, I want to bring to your notice a point regarding the proceedings of this House. The other day when we adjourned, we were told that we were going to meet here at 11 o'clock to-day. But without the knowledge of the Opposition the hour was shifted to 3 o'clock to-day. Now, Sir, you have said that we are rising at 5 o'clock. To-day is a non-official day and we thought we were going to discuss non-official matters throughout this day, that is, at least for five hours. Now, without consulting the Opposition and without its knowledge, the Government have reduced this one day to half-a-day. I want to know, Sir, why the Government are so unkind and uncharitable to the Opposition. I submit, Sir, that you as the guardian of the privileges of this House, should allow us to have a full day's discussion on these non-official matters, at least till 7 o'clock to-night.”

* THE HON. SRI K. MADHAVA MENON :—“ Sir, it is our intention that both the Houses should have one full day in a week for non-official business, that is, from 11 o'clock to 5 o'clock, and it is for that purpose that the Hon. Dr. Subbarayan, the Leader of the other House brought in a motion in the Legislative Assembly

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changing Wednesday, which is the non-official day for the Assembly into Thursday in future. Under the present rules, Wednesday is the non-official day for both the Council and the Assembly and as Members of both Houses have complained that they were very often deprived of a full non-official day during continuous sittings, it was decided to effect the change as mentioned above. Dr. Subbarayan's motion was referred to the Select Committee last week by the Assembly. It was our idea that that amendment would have been passed in the other House before to-day so that the Assembly could have its non-official day tomorrow and that the Council may have this Wednesday for non-official business. But unfortunately the Select Committee was not able to finish its work and therefore the amendment could not be passed earlier in the Assembly. That is how it has happened, Sir, that to-day which is a non-official day for both the Houses had to be shared between the two Houses and the Hon. Speaker and the Hon. President of the respective Houses have been informed accordingly. That is the position, Sir."

DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—" As you say, Sir, that we are rising to-day at 5 o'clock and that the House will be adjourned afterwards, may I know if this resolution is to be finished to-day? If not, is this going to be taken over to the next non-official day and am I to understand from you, Sir, that the next non-official day will be included in the present session? "

THE HON. DR. T. S. S. RAJAN :—" Sir, this session is going to continue although we now adjourn, because there are a number of Bills which will have to be passed through the other House, but which are not yet ready. That is the reason for our adjourning now. By no stretch of imagination can we say that this session has come to an end, because we have not even commenced our business. There are so many legislative Bills which are pending discussion in the other House and until we get sufficient work for this House, there is no use in asking hon. Members to come only for non-official days. That is why we propose to have a short adjournment of this House now. There are some Bills that are going to be introduced in the other House in the present session and they will come up before this House in course of time."

K. UPPI SAHIB BAHADUR :—" I have raised my point, Sir, only with regard to the affairs of to-day. We were to have to-day a full day for non-official business. The Government has cut it down unceremoniously to two hours. At least, as a matter of courtesy or as a matter of formality they could have consulted the Opposition about it, whatever may be the validity of their reasons. The action of the Government to-day, I submit, Sir, is very unkind and we cannot tolerate such things. I appeal to you, Sir, to protect our rights and privileges."

THE HON. DR. T. S. S. RAJAN :—" Sir, I quite realize the complaint of the hon. Leader of the Opposition. When the

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Government calculates business for a session, sometimes unexpected events turn up and upset our arrangements. Such a thing did turn up to-day. We had hoped that the Select Committee to which the amendment of the Assembly Rules was referred to last week would have been able to submit its report and that it would have become law by this time, but unfortunately, Sir, it was not possible for the Select Committee to submit its report earlier and hence the amendment could not be passed in the other House. To-day being a non-official day for both Houses, we had to divide it between both Houses. That Sir, as has been explained, is the position. It is quite right that we should have sought the Leader of the Opposition sometime this morning and appraised him of the circumstances under which our original arrangements could not be adhered to. But as we were not able to contact with him this morning, we thought that we could express our sentiments now and say how sorry we are in not having been able to consult him. And now, Sir, after hearing our explanation, I hope he will be satisfied that there was no intentional discourtesy on our part in this matter or that we intended not to consult the Leader of the Opposition."

THE DEPUTY PRESIDENT :—" The discussion on the resolution will now continue."

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" Mr. Deputy President, I raise to add my strong voice of support to the eloquent appeal made by the hon. Mover of the resolution the other day. My friend Mr. Adityan said just now that even if we pass this resolution, it would become a dead letter and that it would serve no useful purpose. I cannot understand the force of his argument. This resolution, Sir, would serve as a mandate to our representatives in the Constituent Assembly and if it is not passed, I should say, that far from the purpose of the resolution not being achieved, the very purpose for which the Constituent Assembly was constituted would not have been achieved in a satisfactory and adequate manner. Knowing as I do how the proceedings of the Constituent Assembly are conducted, I venture to submit, Sir, that if the spirit of the resolution is not maintained and adhered to by our representatives in the Constituent Assembly, then there is every possibility of the danger of the Constituent Assembly failing in its fundamental and ultimate purpose and I shall presently explain how it is so.

" Now, Sir, the Constituent Assembly is constituted for the purpose of framing a constitution for India in consonance with the will of the people of the country and according to the consensus of opinion of their representatives. If there is no unanimity of opinion among the representatives, then at least the opinion of the vast majority of them should prevail. Sir, it was with this idea in mind that the Constituent Assembly had framed its original rule No. 63, making it obligatory on the Constituent Assembly to send the draft constitution to the Provincial Legislatures to express their opinion. And now what happened to change their

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original idea? Instead of being subjected to the limitations imposed upon it by the Cabinet Mission's plan of May 16, 1946, it became a sovereign body. I ask Sir, how can it abrogate the rights and privileges of other legislatures, simply because it became a sovereign body? Do they mean that independence means the servility of the provinces or of sections of the population? The very idea of having a Constituent Assembly is that the opinions of all sections of the population should be consulted and the constitution should be framed in consonance with those views. In fact, India consists of various parts and provinces with various special interests. The very fact that we are pressing for the division of this province on a linguistic basis, that such a resolution is coming up before this House, shows that there are some interests, specially particular to the various parts of this province. This province is sought to be split into four regions; why? If all the four regions are combined into one province as at present, certain areas will not, it is thought, receive justice at the hands of the Government. Certain areas have certain interests peculiar to themselves, and if all the various areas are clubbed together, those interests may not receive proper attention from the Government. Every province has got its own peculiar problems and steps should be taken to safeguard those special interests and to solve those special problems. It is only from that point of view that this resolution of the hon. Dr. Lakshmanaswami Mudaliyar desires that the Constituent Assembly should transmit the provincial constitution to this body for the purpose of eliciting its opinion. It is true our representatives are there in the Constituent Assembly, representing this province; but those who have been there know how far they have been able to carry with them the majority of the members of the Constituent Assembly in matters affecting our own province. Well, Sir, originally we were told that the residuary powers would vest in the provinces and that the provinces would have genuine provincial autonomy and that they would be free to manage their own affairs. Now, what do you think it has come to? The provincial autonomy which was vouchsafed to us by the proposed Union Constitution and which is circumscribed by the recommendations of the Union Constitution Committee is only a skeleton. Almost all the powers of the provinces have been taken over by the Union, with the result that the provinces will be only vassals of the Central Government. Even the Provincial Legislature and the Provincial Cabinet will have almost no power; even the very little power that is now left in the province will be concentrated in the hands of the Central Government. Such being the case, it is but meet that we should express our opinion on the proposed constitution; otherwise, I may say this Province will be deprived of many of its vital powers, and I think the Hon. Premier of our Province and also the ex-Premier will agree with me when I say this. Every time they return from Delhi, they have been saying that on account of the interference of the Central Government we are not able to tackle the food situation in the manner which we ought

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to. The Hon. Premier himself has been feeling that because of the inadequacy of the Provincial autonomy that is vouchsafed to us, we are not able to tackle in an effective manner even the question of food, and we have to even watch sometimes our people dying on account of starvation. Well, Sir, if we cannot have powers to deal with the situation even in the matter of food, then what is the kind of provincial autonomy we are going to have, I ask?

“ Again, Sir, I would point out that the representatives of this Province in the Constituent Assembly are not really able to safeguard the interests of this Province in the manner in which they ought to. If you look at the proceedings of the Constituent Assembly you will find that a number of amendments in some cases running even to hundreds, 600 or 700 amendments were given either in regard to the Provincial Constitution or with regard to the Union Constitution, and many amendments also appeared in the names of the members of our Province—thanks to their energy and interest; but when the Assembly considered those amendments, you will find that member after member rose up and said ‘ I do not move the amendment,’ and probably there was no necessity on any occasion even for a member to rise up and sit down after saying it because they knew that member after member would simply rise and withdraw his amendment. Why, Sir? Not because the members were withdrawing them in their individual discretion but because there was a mandate from the party to which they belonged. The matter has been decided long ago and they had simply to obey the decision and withdraw their amendments. You can realise the embarrassing situation in which our members were placed. They went there prepared to move their amendments, they gave notice of them but still they were not moved. That is the position obtaining there. I am pointing out this matter for this purpose; our members who form a very small minority in the party in which these decisions are taken, and I feel they are not able to have their opinion duly accepted by their party, with the result that we are going to have a constitution which will affect this Province very seriously. In a certain matter, Sir, the Constituent Assembly gave option to the members of each province to decide it in their own way; for example, with regard to the existence of the Provincial Council. The question whether there should be an Upper Chamber in any province or not was left to be decided by the members of that Province; and the members of the Madras Province met together; they had a heart to heart talk and they decided in favour of having an Upper Chamber. If such option or discretion is given to the members of each province, it would at least go a great way towards making our views known and our taking necessary steps to safeguard our own interests. But that is not being done in respect of other matters. Our members, I submit, are able to do nothing, on account of the majority of the north, I have to say with very great regret; otherwise, why

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should our Hon. Premier be going on repeating 'because we have not got sufficient power, we are not able to tackle the food situation'. The position of the province under the proposed new constitution will be still worse, because even list No. 1 of the Government of India Act has been very much enlarged and many subjects from list No. 3 pertaining to the provinces have been transported to list No. 1. As I said, this province will have only a skeleton of provincial autonomy and it is therefore urgently necessary that this province should place before the Constituent Assembly its opinion through its accredited representatives, namely, the legislative bodies. We are not concerned with the question whether our opinions would at present be accepted or not; we must do our duty. Is it not our duty, representing as we do the vast population of this province, to voice forth our feelings and give our opinions regarding the kind of constitution which this province requires in order to safeguard its own interests and for the proper administration of the province? Are we mere dummies, have we not got our own opinions to put forth? My friend Mr. Adityan will say that at present the rule is not that, Sir, if the Constituent Assembly throws to the winds or has chosen to delete or abrogate a certain rule which it itself had framed and if on that account it should not receive or consider any opinion from any quarter, I am only sorry for that body. That body has got a very serious responsibility; it is not dealing with a small piece of legislation or matters connected with the present administration of the country. It has to frame a constitution which has to endure for centuries and generations, and I am sure that in all countries where a constitution is framed, a special Assembly is constituted in order that it may first of all ascertain the views of all sections and interests in the country. If a Provincial Legislature sends up its opinion, I do not think such a body will have the temerity to say 'I won't look into that, because I have chosen to abrogate the very rule of procedure which I have passed'. I do not think, Sir, they will be so unreasonable as to say that; if the Assembly thinks that it ought not to look into the views of the Provincial Legislature, then I am sure that body will not be able to frame the constitution in a satisfactory manner. It cannot take, and I am sure it won't take umbrage under the fact that it is a sovereign body and that it is not obligatory on its part to look into the views of anybody else. Well, Sir, whatever it may do, as I said it will be the duty of our Government, at least the Government members—fortunately two of the Hon. Ministers sitting here are members of the Constituent Assembly—(A voice: Three)—I think our resolution would be binding at least on two members if not on three, because I know Dr. Subbarayan belongs to the Assembly and he is not a member of this House and is not responsible to this House, and that is why I said two and not three. Well, Sir, my friend Mr. Adityan thinks it is very necessary to expedite the framing of the constitution because passions are raging now. I submit, Sir, it is for that very reason I would urge that the

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framing of the constitution should be adjourned, even as I urged in the Constituent Assembly while speaking on the question. Sir, this is not the time to discuss the framing of the constitution; constitution should be framed in cooler moments when people and especially the members who are charged with the duty of framing it would be able to consider matters dispassionately and free from all passions. Now we know passions are raging high in the country, especially at Delhi; we know how men's feelings and minds are very much perturbed; this is the most inopportune time I would say, to discuss and consider the framing of the constitution. I therefore suggest that you should pass this resolution even if it finally results in the postponement of the final passing of the constitution. If it is postponed, I would be glad because a better constitution would be framed. The draft constitution that is now being discussed and that would be ultimately passed will surely be coloured by the passions in men's minds just now. It is therefore urgently necessary that the consideration of this constitution should be adjourned till passions subside and die out. That is another ground for my supporting the resolution of my hon. friend.

" Sir, my friend also spoke about the impression which will be produced on the outside world. In framing a constitution for this country which is to endure for centuries and generations—perhaps even as the constitution of America has endured till to-day—we ought not to be deflected from our path by what outsiders say or do. My friend also pointed out that the Constituent Assembly is a sovereign body. Why should a sovereign body think of what outsiders say, I ask? We must be concerned only with the discharge of our duty; and so long as we discharge our duty in a proper manner, we should not be in any way sensitive about what others do or do not do. On account of these facts, Sir, I strongly support the resolution moved by my hon. friend.

" Again, my hon. friend said that it is entirely foreign to any democratic body to send any Bill or resolution that has been placed before it, to its electorate for opinion. I would say, Sir, that is the essential and fundamental thing in any democratic body. Any important Bill must always be sent to the electorate for eliciting its opinion, and that is what is meant by circulation of a Bill. Important measures in regard to which it is expected there would be differences of opinion are as a matter of course circulated among the electorate. This provincial constitution is a very important measure about which the electorate must be asked to give its opinion—not only the provincial constitution; I think my friend's resolution refers also to all the constitutions that are being considered by the Constituent Assembly; the provincial constitution, the Union Constitution, the draft about the Union's powers—all these should be forwarded to the various legislatures and their opinions should be elicited. Otherwise, very grave difficulties will arise. Our province which is far away from Delhi is very often neglected by

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the Central Government, and it is bound to be neglected still further. Already we are suffering on account of this neglect and on account of its distance from the seat of the Central Government.

“ Sir, I wish that this resolution should be passed, if not unanimously, at least by an overwhelming majority. Hon. members opposite who are also members of the Constituent Assembly will surely agree that it is very necessary and advisable that this House should be given an opportunity to consider and formulate its views on the proposed constitution for the Centre as well as the Provinces.”

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SRI B. NARAYANASWAMI NAYUDU :—“ Sir, I find that in the Constituent Assembly report, it is stated that they consider it necessary that the States as well as the Provinces, if they so wish, should give their consent on the constitution to enable the States as well as the Provinces to secede powers to the Central Government. As the 16th May statement was a better offer, after that date, cessation of powers to the Central Government can take place only with the consent of the States as well as the Provinces. They also considered that such a delegation of powers was necessary and they recognized the States and the Provinces to exercise their authority in the delegation of such powers to the Central Government. In view of this statement made in the Constituent Assembly Report, I want to know whether the Provinces are free to secede such powers which are beyond the powers granted under the May 16th statement. I hope the Government will enlighten us on this point.”

* SRI R. SURYANARAYANA RAO :—“ Mr. President, Sir, after listening to the speech of Dr. Lakshmanaswami Mudaliyar on this important resolution, I felt that the Government themselves would throw the resolution open to discussion and enable members belonging to their party also to express freely their views so that when this resolution is submitted to the Constituent Assembly, they may be aware of the feelings of all parts of this House. Sir, the way in which the proceedings are going on looks as though the other side, the Ministerialist party, are not going to have a free hand in the discussion of this important resolution.”

THE HON. DR. P. SUBBARAYAN :—“ I hope the hon. Member will let me say this. We on this side of the House are waiting to see what opinions are given by the members of the opposite when they take part in the debate. Mr. Suryanarayana Rao is wrong in thinking that we do not want to take part in this debate at all.”

* SRI R. SURYANARAYANA RAO :—“ I am very grateful to the Hon. Minister for this statement. For, that means that the Government are not going to make this a party question.”
(Laughter.)

THE HON. DR. P. SUBBARAYAN :—“ The hon. Member should not presume things.”

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* SRI R. SURYANARAYANA RAO :—“ I think, Sir, that as this debate will not be concluded to-day, when we next meet I trust the Government will allow members belonging to their party to take part in the discussion and allow them to give free expression to their views.”

THE HON. DR. T. S. S. RAJAN :—“ Does the hon. Member want any assurance to that effect? This is a non-official resolution and everybody is free to express his opinion. I do not really see the point which the hon. Member has raised. Does the hon. Member want an assurance that we would support the resolution? I do not think any such assurance can be given by any Government or any party.”

* SRI R. SURYANARAYANA RAO :—“ I must plead guilty of making a certain insinuation. I thought their party whip has sent instructions that they should not vote or take part in the debate on this resolution. That is what I meant by my remarks and they have been met by the Hon. the Leader of the House. Sir, this resolution simply requests the Government to communicate the wishes of this House that the Provincial Legislatures should be given an opportunity to express their views on the Indian Constitution Bill. I want hon. Members of this House to understand—Dr. Lakshmanaswami Mudaliyar has also stated it—that we have not been furnished with a copy only of the model provincial constitution. It does not give any idea of the Indian Constitutional Law. It does not give a list of subjects, provincial, federal and concurrent. That is the most important part of the constitution and hon. Dr. Lakshmanaswami Mudaliyar also has referred to this allocation of the subjects. We do not know how far industrial development will be accelerated or thwarted and how whether industrial planning will form part of the federal list. Therefore, Sir, Dr. Lakshmanaswami Mudaliyar says that when that draft Constitution Bill is ready, it may be kindly transferred to us so that we may express our views on the various aspect of the Bill at least in so far as they affect our Province. I think, Sir, this is a reasonable request. In a way, Sir, Dr. Lakshmanaswami Mudaliyar's resolution conveys, I am sure, the wishes of the present Government. I know many hon. Members belonging to the Government have their own views. They are perfectly entitled to have their own views and it would enable them also to understand the feelings in this House as well as in the other House so that they may go and represent our point of view to the Constituent Assembly. Sir, I do not know whether it is a fortune or a misfortune that members of the Legislature after the omission of section 68 (2) of the Government of India Act, enjoy treble membership: they are members of this Legislature: they are members of the Central Legislature and they are also members of the Constituent Assembly. Therefore, Sir, in all these bodies, whenever occasion arises, when this subject comes up, they will be in a position to acquaint the other members in those bodies with our views, and they will be able to know the general feeling

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in this Province. Sir, first of all the Constituent Assembly debates on the Constitution to be framed as a Constituent Assembly. Then the draft constitution comes up before the Constituent Assembly as the Central Legislature. Therefore, Sir, Government should welcome this opportunity of knowing the views of this Province in a matter of such vital importance. We should be asked to give our views on the model provincial constitution and the Union constitution as well. In the model provincial constitution, as it is, there are a number of gaps to be filled up; these gaps perhaps can be filled up only when the Union Constitution is ready. Therefore, Sir, we should not discuss what should be the model provincial constitution and whether the report of the Constituent Assembly on the model provincial constitution is correct or not at this stage but we should reserve our remarks on the provisions of the Union Constitution Bill when it comes to us for our opinion. This is the modest request made by the members of this House to the Government. It is a request to convey the strong feeling of the members of this House to the Constituent Assembly that we should be given an opportunity to express our views so that the Constituent Assembly which deals with the draft Constitution Bill may know the views of this House and the other House on the various provisions of the Bill. Sir, my hon. friend, Mr. Adityan, objected to the clause that necessary steps be taken as soon as possible after the draft Bill is transmitted. It is only that when the Constituent Assembly agrees to allow us to discuss the Bill, this Government will have to take necessary steps. It is all a request to the Government to represent our strong feeling to the Constituent Assembly or to those in authority who can influence the decisions of the Constituent Assembly. When the Constituent Assembly agrees that this House can express its views and when the Constitution Bill comes up here for discussion, we request this Government to take necessary steps. Supposing, Sir, there is only a week's time, we request the Government to summon this Legislature immediately so that we may have an opportunity of expressing our views. That is all we are asking. What all we are asking for is that in any particular point in the draft provincial constitution, members on this side of the House should not be committed to any particular view. That is why we request that we should be given an opportunity, and I say, Sir, that even members on the other side of the House do not wish that their mouths should be gagged in a matter like this which vitally concerns everybody. With these few words, Sir, I support the resolution."

THE DEPUTY PRESIDENT :—" It is now 5 o'clock. The House now stands adjourned *sine die*."

VII.—PAPER LAID ON THE TABLE OF THE HOUSE.

Elections—Municipal council—Assignment of colours to candidates—Directions issued—G.O. No. 1535, L.A., dated the 9th September 1947.